

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of J.C. and D.W., persons	)	(Not For Official Publication)
under eighteen years of age.	)	
_____	)	Case No. 20050413-CA
	)	
L.C.-L.,	)	F I L E D
	)	(August 4, 2005)
Appellant,	)	
	)	2005 UT App 340
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Fifth District Juvenile, Cedar City Department, 440887  
The Honorable Hans Q. Chamberlain

Attorneys: Randall C. Allen, Cedar City, for Appellant  
Mark Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce and Karla Staheli, Salt Lake City,  
Guardians Ad Litem

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Before Judges Billings, Bench, and Greenwood.

PER CURIAM:

L.C.-L. (Mother) appeals the juvenile court's termination of her parental rights in J.C. and D.W. Mother asserts that there was insufficient evidence of grounds for termination. However, she does not identify any specific finding of fact that was in error, nor does she specify what may have been lacking. Regardless of the rather vague assertions, we have reviewed the record and find sufficient evidence to support termination.

In reviewing the termination of parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re D.B., 2002 UT App 314, ¶6, 57 P.3d 1102.

The juvenile court found multiple grounds for termination of Mother's parental rights. See Utah Code Ann. § 78-3a-407 (2002). Any single ground is sufficient to terminate parental rights. See id. (providing court may terminate parental rights if it finds "any one of" the listed grounds); In re D.B., 2002 UT App 314 at ¶13 n.4.

The juvenile court found that Mother had failed to remedy the circumstances leading to the out-of-home placement of her children. Under section 78-3a-407(d), grounds for termination exist where

the child is being cared for in an out-of-home placement under the supervision of the court or the division and the parent has substantially neglected, wilfully refused, or has been unable or unwilling to remedy the circumstances that cause the child to be in an out-of-home placement, and there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care in the near future.

Utah Code Ann. § 78-3a-407(d).

Here, the children were in an out-of-home placement under Division of Child and Family Services supervision. Further, Mother failed to address the issues that led to the removal of her children. She continued to associate with criminals, she failed to place herself in a stable position with employment and housing, and continued to expose J.C. to risky situations. Additionally, based on her lack of follow through in addressing many issues and her limited cognitive abilities, there was a substantial likelihood that Mother would not be able to effectively parent in the near future. The evidence is sufficient to establish grounds for termination under this section.

Similarly, the failure of parental adjustment is supported by Mother's failure to complete her service plan. Failure to comply with a service plan is evidence of failure of parental adjustment. See Utah Code Ann. § 78-3a-408(3) (2002). It is undisputed that Mother failed to comply with her service plan. She failed to complete most of the requirements of the plan, resulting in many of the issues leading to the children's removal remaining uncorrected. Her failure demonstrates that she was "unable or unwilling within a reasonable time to substantially correct the circumstances, conduct, or conditions that led to placement" of the children out of the home. Id. § 78-3a-403(2)(2002). The evidence supports this ground for termination.

In sum, the record supports the juvenile court's findings of grounds for termination of Mother's parental rights. Accordingly, the termination of Mother's parental rights is affirmed.

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Judith M. Billings,  
Presiding Judge

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Russell W. Bench,  
Associate Presiding Judge

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Pamela T. Greenwood, Judge